

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

DANIEL W. FITZGERALD

Plaintiff

v.

VIRGINIA COMMONWEALTH, et al.

Defendants

Case No: 1:18-cv-758

**DEFENDANT JEFFREY MANGENO'S MOTION TO RESCHEDULE THE PRE-TRIAL
CONFERENCE CURRENTLY SET FOR AUGUST 22, 2018**

COMES NOW your defendant Jeffrey Mangeno, by and through counsel, and respectfully submits this Motion to Reschedule the Pre-Trial Conference Currently Set for August 22, 2018. In support of his motion Defendant Mangeno states as follows.

1. The Pre-trial Conference in this matter is currently set for August 22, 2018.
2. Defendant Mangeno has filed a Rule 12(b)(6) Motion to Dismiss for Failure to State a Claim (Docket No: 4).
3. The hearing for the Motion to Dismiss is currently set for August 24, 2018.
4. Were Defendant Mangeno's Motion to Dismiss to be granted the pre-trial conference would no longer be necessary.
5. To date Defendant Mangeno is the only Defendant who has filed any response to the Complaint.
6. Defendant seeks only a one week delay specifically to allow the court in order to resolve a dispositive motion which may render the need for a pre-trial conference moot. No prejudice would result to Plaintiff from granting this extension.

7. Undersigned counsel has attempted to communicate with the Plaintiff in order to consult on this motion. These attempts have gone unanswered.
8. Wherefore Defendant Mangeno respectfully requests that this Honorable Court reschedule the pre-trial conference currently set for August 22, 2018 for August 29, 2018 to allow this Court to first rule on the Motion to Dismiss.

/s/ Daniel F. Izzo

Daniel F. Izzo, Esq (VSB 80507

Dycio & Biggs

10533 Main Street

Fairfax, VA 22030

703-383-0100

703-383-0101 (fax)

dizzo@dyciolaw.com

twbiggs@dyciolaw.com

Counsel for Jeffrey Mangeno

CERTIFICATE OF SERVICE

I hereby certify that on August 3, 2018 I filed a copy of the foregoing via the ecf filing system and mailed via first class mail and certified mail postage pre-paid to the following:

Daniel W. Fitzgerald
c/o Rona Theresa
7802 Killebrew Drive
Annandale, Virginia 22003

/s/ Daniel F. Izzo
Daniel F. Izzo, Esq.
Counsel for Jeffrey Mangeno